

EXHIBIT “A”

07/19/2007 15:30 FAX

GUARANTEED SUBPOENA

015/023

Fax:

Jul 17 2007 10:15pm PD13/021

Zatuchni & Associates, LLC
 2 Research Way
 3rd Floor East
 Princeton, New Jersey 08540
 (609) 243-0300
 Attorneys for Plaintiff

RECEIVED/FILED
SUPERIOR COURT

07 JUL 15 PM 4:32

DEPUTY CLERK

NANCY NUZZI,

Plaintiff,

v.

AUPAIRECARE, INC., FRAN KURZ,

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION
 SOMERSET COUNTY
 DOCKET NO.: **07-798-07**

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, Nancy Nuzzi, for her Complaint against Defendant AuPairCare, Inc. states and alleges as follows:

PARTIES

1. Plaintiff Nancy Nuzzi is a natural person residing at 11 Downbury Court, Hillsborough, New Jersey.
2. Defendant AuPairCare, Inc., ("AuPairCare" or "Defendant") is a for-profit corporation that operates and manages and international au pair agency and provides live-in au pair childcare services to families and residents in New Jersey. Defendant maintains its corporate headquarters in the United States at 600 California Street, San Francisco, California, 94108.
3. Defendant Fran Kurz has at all times been employed by AuPairCare as its Mid-Atlantic Regional Manager, and has at all relevant times been Ms. Nuzzi's manager and supervisor.

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BACKGROUND FACTS

4. Ms. Nuzzi became employed with AuPairCare in or about June 2004 as an Area Director for South/Central New Jersey. Her job responsibilities involved providing live-in au pair childcare providers to clients, including conducting interview and orientation sessions.

5. Ms. Nuzzi at all times performed her job duties diligently and professionally, and at all time exceeded AuPairCare's job performance expectations.

6. In or about September 2006, Ms. Nuzzi advised her manager, Defendant Kurz, that she (Ms. Nuzzi) was pregnant and would be requiring family medical leave.

7. After receiving this notice, Defendant Kurz made several comments to Ms. Nuzzi about the difficulties in performing her job responsibilities with her prospective attendant childcare responsibilities. Ms. Nuzzi attempted to assure Ms. Kurz that her having a child would not interfere with her professional responsibilities.

8. Additionally, in November 2006, shortly after providing notice of her pregnancy, Ms. Nuzzi for the first time in her employment received a letter from Ms. Kurz outlining purported performance deficiencies.

9. Ms. Nuzzi began her family medical leave on February 1, 2007. Ms. Nuzzi initially planned to take only two months off, but in mid-March 2007, notified AuPairCare that she used the full three months family leave available to her and that she would return to work in May 2007.

10. On or about April 4, 2007, Ms. Nuzzi received correspondence that she was being terminated from her position due to purported customer complaints.

11. This justification for terminating Ms. Nuzzi is wholly false and pretextual.

12. Defendants terminated Ms. Nuzzi due to her pregnancy.

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**COUNT I - VIOLATION OF NEW JERSEY LAW AGAINST DISCRIMINATION -
PREGNANCY DISCRIMINATION**

13. Plaintiff hereby incorporates and restates the allegations contained in the preceding Paragraphs as if set forth at length herein.
14. Defendants terminated Ms. Nuzzi due to her pregnancy in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*
15. As a result of Defendants' unlawful conduct, Ms. Nuzzi has suffered economic loss and severe mental anguish, embarrassment, stress, anxiety, humiliation and other pain and suffering.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff and against the Defendants;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.

**COUNT II - VIOLATION OF THE FAMILY MEDICAL LEAVE ACT - UNLAWFUL
INTERFERENCE WITH PLAINTIFF'S RIGHTS UNDER THE FMLA**

16. Plaintiff hereby incorporates and restates the allegations contained in the preceding Paragraphs as if set forth at length herein.
17. Defendants' termination of Ms. Nuzzi constitutes an unlawful interference and unlawful denial of Ms. Nuzzi's rights under the Family Medical Leave Act, as set forth in 29 U.S.C.A. § 2615(a)(1).

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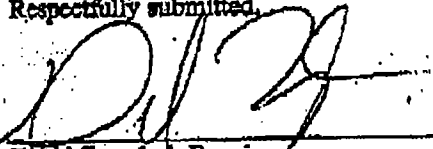
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18. As a result of Defendants' unlawful conduct, Ms. Nuzzi has suffered economic loss and has been subjected to mental anguish, embarrassment, stress, anxiety, humiliation and other pain and suffering.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff and against the Defendants;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- g. Costs of suit;
- h. Any other relief that this Court deems just and equitable.

Respectfully submitted,


David Zatusni, Esquire
Zatusni & Associates, LLC
2 Research Way
3rd Floor
Princeton, New Jersey 08540
Attorneys for Plaintiff

DATED: 5/11/07

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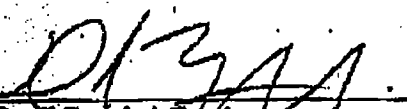
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CLERK OF COURT

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DEPUTY CLERK

CERTIFICATION PURSUANT TO R. 4:5-1

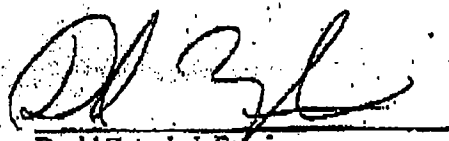
I hereby certify that this matter in controversy is not the subject of other actions pending in any court or arbitration proceedings, or any such contemplated other actions or arbitration proceedings,


David Zatuchni, Esquire
Zatuchni & Associates, LLC
2 Research Way
3rd Floor
Princeton, New Jersey 08540
Attorneys for Plaintiff

DATED: 5/17/07

DESIGNATION OF TRIAL COUNSEL

David Zatuchni, Esq. is hereby designated as trial counsel in this matter.


David Zatuchni, Esquire
Zatuchni & Associates, LLC
2 Research Way
3rd Floor
Princeton, New Jersey 08540
Attorneys for Plaintiff

DATED: 5/17/07

07/19/2007 15:31 FAX

GUARANTEED SUBPOENA

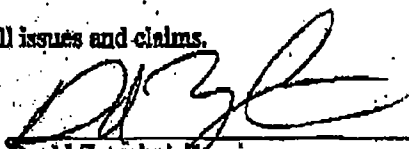
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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues and claims.


David Zatuchni, Esquire
Zatuchni & Associates, LLC
2 Research Way
3rd Floor
Princeton, New Jersey 08540
Attorneys for Plaintiff

DATED: 5/17/07

EXHIBIT “B”

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NANCY NUZZI <i>Plaintiff,</i> v. AUPAIRCARE, INC. and FRAN KURZ <i>Defendants.</i>	-	Civil Action No.
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CERTIFICATE OF COUNSEL IN SUPPORT OF NOTICE OF REMOVAL

Lisa R. Marone hereby certifies as follows:


1. I am the attorney for Defendants Aupaircare, Inc. and Fran Kurz. I give this Certification in support of Defendants' Notice of Removal.
2. On August 16, 2007, I reviewed the official website for the State of New Jersey which revealed that no affidavit of service has been filed in the state action docketed in Somerset County Superior Court in *Nancy Nuzzi v. AuPairCare Inc. and Fran Kurz*, Docket No. L-798-07.
3. In addition, on August 16, 2007, I spoke with Florence, a case manager at the Somerset County Superior Court who advised me that no affidavit of service had been filed.
4. Further, on August 16, 2007, I contacted Plaintiff's counsel's office and spoke with a paralegal in that office identified as Diane, who told me their file records reflect that Plaintiff's Complaint in the above-captioned matter was served by Guaranteed Subpoena Service on Defendant AuPairCare, Inc. on July 20, 2007 and on Defendant Fran Kurz on August 1, 2007.
5. Thereafter, on August 16, 2007, my legal assistant telephoned the process server, Guaranteed Subpoena Service and was told that their records indicate Plaintiff's Complaint was

served on Defendant AuPairCare on July 20, 2007 and on Defendant Fran Kurz on August 1, 2007, the same dates as provided to me in my conversation with Plaintiff's counsel's office.

6. I hereby certify that the foregoing statements made by me are true and correct. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**POWELL, TRACHTMAN, LOGAN,
CARRLE & LOMBARD, P.C.**

By: _____


Lisa R. Marone, Esquire
1814 East Route 70, Suite 350
Cherry Hill, NJ 08003
Attorney for Defendants

Dated: Aug. 17, 2007

EXHIBIT “C”

07/19/2007 15:29 FAX

GUARANTEED SUBPOENA

010/023

Fax:

Jul 17 2007 10:14pm P008/021

Zatuchni & Associates, LLC
 2 Research Way
 3rd Floor East
 Princeton, New Jersey 08540
 (609) 243-0300
 Attorneys for Plaintiff, Nancy Nuzzi

NANCY NUZZI,

Plaintiff,

v.

AUPAIRCARE, INC.; FRAN KURZ,

Defendants.

SUPERIOR COURT OF NEW JERSEY

**LAW DIVISION
 SOMERSET COUNTY
 DOCKET NO.: L-798-07**

CIVIL ACTION

SUMMONS

From the State of New Jersey
 To the Defendant(s) Named Above:

Fran Kurz
 c/o AuPairCare, Inc.
 600 California Street, Floor 10
 San Francisco, CA 94108

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided). If the Complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit.

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If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

DATED: July 17, 2007

Donald E. Phelan
SUPERIOR COURT CLERK

Name of Defendant to be served:

Fran Kurz

Address of the Defendant to be Served:

c/o AuPairCare, Inc.
600 California Street, Floor 10
San Francisco, CA 94108

* \$105.00 FOR CHANCERY DIVISION CASES OR \$110.00 FOR LAW DIVISION CASES

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GUARANTEED SUBPOENA

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Fax:

Jul 17 2007 10:14pm PD10/021

ATLANTIC COUNTY
 Deputy Clerk of the Superior Court
 Civil Division, Direct Filing
 1201 Bacharach Blvd., First Floor
 Atlantic City, NJ 08401
LAWYER REFERRAL
 (609) 345-3444
LEGAL SERVICES
 (609) 348-4200

BERGEN COUNTY
 Deputy Clerk of the Superior Court
 Case Processing Section, Room 119
 Justice Center, 10 Main Street
 Hackensack, NJ 07601
LAWYER REFERRAL
 (201) 488-0044
LEGAL SERVICES
 (201) 487-2166

BURLINGTON COUNTY
 Deputy Clerk of the Superior Court
 Central Processing Office
 Attn: Judicial Intake
 First Floor, Courts Facility
 49 Rancocas Road
 Mt. Holly, NJ 08060
LAWYER REFERRAL
 (609) 261-4862
LEGAL SERVICES
 (609) 261-1088

CAMDEN COUNTY
 Deputy Clerk of the Superior Court
 Civil Processing Office
 1st Floor, Hall of Records
 101 S. Fifth Street
 Camden, NJ 08103-4001
LAWYER REFERRAL
 (609) 964-4520
LEGAL SERVICES
 (609) 964-2010

CAPE MAY COUNTY
 Deputy Clerk of the Superior Court
 Central Processing Office
 9 N. Main Street
 Box DN- 209
 Cape May Court House, NJ 08201
LAWYER REFERRAL
 (609) 463-0313
LEGAL SERVICES
 (609) 463-3001

CUMBERLAND COUNTY
 Deputy Clerk of the Superior Court
 Civil Case Management Office
 Broad & Fayette Sts. P.O. Box 615
 Bridgeton, NJ 08302
LAWYER REFERRAL
 (609) 692-6207
LEGAL SERVICES
 (609) 451-0003

ESSEX COUNTY
 Deputy Clerk of the Superior Court
 237 Hall of Records
 465 Martin Luther King, Jr. Boulevard
 Newark, NJ 07102
LAWYER REFERRAL
 (973) 622-6207
LEGAL SERVICES
 (973) 624-4500

GLOUCESTER COUNTY
 Deputy Clerk of the Superior Court
 Civil Case Management Office
 Attn: Intake
 Court House
 1 North Broad Street, P.O. Box 129
 Woodbury, NJ 08096
LAWYER REFERRAL
 (609) 848-4589
LEGAL SERVICES
 (609) 848-5360

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GUARANTEED SUBPOENA

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Jul 17 2007 10:15pm P011/021

HUDSON COUNTY

Deputy Clerk of the Superior Court
 Superior Court, Civil Records Dept.
 Brennan Court House - 1st Floor
 583 Newark Avenue
 Jersey City, NJ 07306
LAWYER REFERRAL
 (201) 798-2727
LEGAL SERVICES
 (201) 798-6363

HUNTERDON COUNTY

Deputy Clerk of the Superior Court
 Civil Division
 65 Park Avenue
 Flemington, NJ 08822
LAWYER REFERRAL
 (908) 735-2611
LEGAL SERVICES
 (908) 782-7979

MERCER COUNTY

Deputy Clerk of the Superior Court
 Local Filing Office, Courthouse
 175 S. Broad Street, P.O. Box 8068
 Trenton, NJ 08650
LAWYER REFERRAL
 (609) 585-6200
LEGAL SERVICES
 (609) 695-6249

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court
 Administration Building
 Third Floor
 1 Kennedy Square, P.O. Box 2633
 New Brunswick, NJ 08903-2633
LAWYER REFERRAL
 (732) 828-0053
LEGAL SERVICES
 (732) 249-7600

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
 71 Monument Park
 P.O. Box 1262
 Court House, West Wing
 Freehold, NJ 07728-1262
LAWYER REFERRAL
 (732) 431-5544
LEGAL SERVICES
 (732) 866-0020

MORRIS COUNTY

Deputy Clerk of the Superior Court
 Civil Division
 Administration & Records Building
 P.O. Box 910
 Morristown, NJ 07963-0910
LAWYER REFERRAL
 (973) 267-5882
LEGAL SERVICES
 (973) 285-6911

OCEAN COUNTY

Deputy Clerk of the Superior Court
 Court House, Room 119
 118 Washington Street
 Toms River, NJ 08754
LAWYER REFERRAL
 (732) 240-3666
LEGAL SERVICES
 (732) 341-2727

PASSAIC COUNTY

Deputy Clerk of the Superior Court
 Civil Division
 Court House
 77 Hamilton Street
 Paterson, NJ 07505
LAWYER REFERRAL
 (973) 278-9223
LEGAL SERVICES
 (973) 345-7171

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Jul 17 2007 10:15pm 9012/021

SALEM COUNTY

Deputy Clerk of the Superior Court
92 Market Street, P.O. Box 18
Salem, New Jersey 08079

LAWYER REFERRAL
(609) 935-5629

LEGAL SERVICES
(609) 451-0003

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office Court House
413 Second Street
Belvedere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882

LEGAL SERVICES
(973) 475-2010

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Floor
P.O. Box 3000

Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323

LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882

LEGAL SERVICES
(973) 383-7400

UNION COUNTY

Deputy Clerk of the Superior Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715

LEGAL SERVICES
(908) 354-4340

EXHIBIT “D”

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

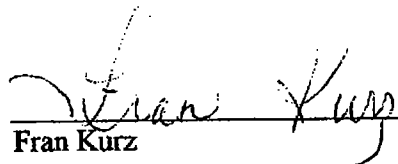
NANCY NUZZI <i>Plaintiff,</i> v. AUPAIRCARE, INC. and FRAN KURZ <i>Defendants.</i>	Civil Action No.
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CERTIFICATION OF DEFENDANT FRAN KURZ

Fran Kurz, hereby certify as follows:

1. I am a Defendant in the above-captioned matter. I give this Certification in support of the Defendants' Notice of Removal.
2. I am a resident of the Commonwealth of Pennsylvania, and have at all times relevant to this lawsuit been a resident of the Commonwealth of Pennsylvania.
3. I hereby certify that the foregoing statements made by me are true and correct. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 8/17/2007


Fran Kurz

KOP:376893v2 0000-09